

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARRYL LAMONT MAXIE,)
)
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Movant,)
)
)
vs.) Case No. 4:21-CV-1354 AGF
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)
UNITED STATES OF AMERICA,)
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)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon movant's motion for leave to proceed in forma pauperis.

On November 10, 2021, movant filed his motion to vacate set aside or correct sentence pursuant to 28 U.S.C. § 2255, as well as a motion to proceed in forma pauperis. Because there is no filing fee for a § 2255 motion, movant need not be granted in forma pauperis status in order to maintain this action. *See Rule 3, Advisory Committee Notes of the Rules Governing Section 2255 Proceedings.* Thus, to the extent that movant is seeking leave to initiate this action in forma pauperis, his request is moot. Furthermore, a review of the file indicates that movant does not seek a determination as to his pauper status for any other reason.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **DENIED without prejudice.**

Dated this 18th day of November 2021.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE